REMARKS

The Examiner states claims 1, 2, 6 and 11 are pending. However, it is respectfully pointed out that claims 1, 3, 6 and 11 are pending in this application. Claims 2, 4-5, 7-10, and 12-20 have been canceled. No new matter has been added. Applicants are respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. §121 and §372. The Examiner suggests that restriction of the present invention into the following groups is required:

Group I, claims 1, 2, and 6, drawn to isolated nucleic acids and kits containing the same; and

Group II, claim 11, drawn to a method for determining whether an individual has heightened predisposition to cancer or to cardiovascular disease.

The Examiner suggests that the inventions listed as Groups 1-2 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: There is no special technical feature which joins groups I and II, as the methods of claim 11 do not recite or require the products of claim 1 or Invention 1. It is suggested that even if they were to recite or require the products of the main invention, the main invention does not represent an advance in view of the prior art. It is suggested that Lou *et al.* (GenBank AF279906) teach an isolated nucleic acid comprising SEQ ID NO:1, wherein G is replaced by C at nucleotide 12. Furthermore, with regard to claim 3, it is suggested that Dean *et at.* (U.S. Patent

No. 6,087,489) teach a single-stranded nucleic acid probe that hybridizes to the isolated nucleic acid molecule of claim 1. Specifically, the Examiner suggests that SEQ ID NO:16 taught by, Dean *et al.* is a 20mer nucleic acid probe which is complementary to nucleotides 7-26 of instant SEQ 10 NO:1, wherein G is replaced by C at nucleotide 12. The Examiner contends that since the main invention was known at the time of filing, there is a lack of unity of invention between group 1 and group 2 and therefore has required restriction between product and process claims. The Examiner acknowledges that were Applicants to elect claims directed to the product, and the product claim were subsequently allowed, withdrawn process claims that depend from or otherwise include all limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP §821.04. Applicants are required to elect one of the Groups to be examined.

Applicants respectfully disagree with this restriction requirement. However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group II, claim 11, drawn to a method for determining whether an individual has a

heightened predisposition to cancer or to cardiovascular disease, with traverse.

Respectfully submitted,

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